

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOSIAH FERREBEE

Plaintiff

vs.

UNITED STATES OF AMERICA

Defendant

No. 3:20-CV-01972-JEJ

Chief Judge John E. Jones, III

AFFIDAVIT OF JOSEPH A. O'BRIEN

I, Joseph A. O'Brien, being duly sworn according to law, do depose and say:

1. I was appointed to represent Joseph Ferrebee in criminal proceedings pending against him in the United States District Court on June 1, 2017.

2. The appointment was effective June 1, 2017.

3. Plea bargaining began shortly after my appointment and it continued until Ferrebee's entry of a guilty plea entered over three years later on December 22, 2019.

4. At no time during these discussions did the United States ever offered a plea bargain which would involve a sentence of 12.5 years. In fact, the United States never made any plea offer which involved an agreed-on sentence.

5. The United States offered Mr. Ferrebee to plead guilty to 18 U.S.C. 2251(a) and to withdraw the charges under 18 U.S.C. 2242(b).

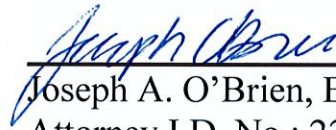
6. The 2251 charge involved a minimum sentence of 15 years and a maximum sentence of 30 years.

7. By letter dated April 23, 2019, I recommended to Mr. Ferrebee, his father, mother and his grandmother that he accept the Plea Agreement to the 2251(a) charge. I also informed him that if he entered into such a plea that the court would likely sentence him to the minimum sentence of 15 years.

8. Ferrebee pleaded guilty on the 2251(a) charge on May 9, 2019 and was sentenced to 15 years imprisonment on October 22, 2019.

9. On the day of sentencing, I discussed the issue of the appeal of the sentence with Mr. Ferrebee and that he, with the support of his family members, indicated that he was happy with the sentence and that he did not wish to appeal the sentence.

Respectfully submitted,

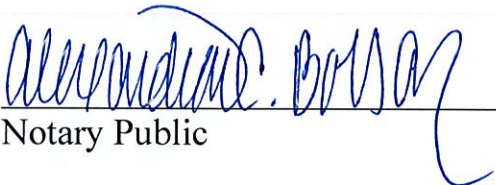


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Commonwealth of Pennsylvania :
: ss.:
County of Lackawanna :

On this, the 27th day of May, 2021, before me personally appeared Joseph A. O'Brien, known to me to be the person whose name is subscribed to the within instrument, and acknowledged that (s)he executed the same for the purposes therein contained.

In Witness Whereof, I hereunto set my hand and official seal.



Notary Public

